

ASSEMBLY BILL

No. 224

Introduced by Assembly Members Kehoe and Cohn
(Coauthors: Assembly Members Harman, Levine, Wiggins, and
Yee)
(Coauthor: Senator Soto)

January 29, 2003

An act to add Title 1.3D (commencing with Section 1748.35) to Part 4 of Division 3 of the Civil Code, relating to identification.

LEGISLATIVE COUNSEL'S DIGEST

AB 224, as introduced, Kehoe. Identity verification: electronic devices.

Existing law prohibits a person or firm that accepts credit cards for transacting business from requesting or requiring the cardholder to write personal information on the credit card transaction form as a condition for accepting the card. Existing law excepts certain transactions and occurrences from these provisions, and explicitly provides that these provisions do not prohibit requiring the cardholder to provide reasonable forms of positive identification in connection with a credit card transaction.

This bill would prohibit a retailer, as defined, from requiring a consumer to permit the retailer to electronically read an identification card, including a driver's license, for the purpose of verifying the consumer's age or identity. The bill would also prohibit a retailer that is permitted to read electronically an identification card to verify the age or identity of a consumer to store, sell, or share personal information collected from the identification.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Title 1.3D (commencing with Section 1748.35)
2 is added to Part 4 of Division 3 of the Civil Code, to read:
3
4 TITLE 1.3D. ELECTRONIC IDENTITY VERIFICATION
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6 1748.35. (a) A retailer may not require a consumer to permit
7 the retailer to read electronically an identification card, including
8 a driver's license, for the purpose of verifying the consumer's age
9 or identity.
10 (b) When a retailer electronically reads an identification card,
11 including a driver's license, to verify the age or identity of a
12 consumer, the retailer may not store, sell, or share personal
13 information collected from the piece of identification.
14 (c) For the purposes of this title:
15 (1) "Personal information" means any information
16 concerning a person that may be accessed from an identification
17 card, including, but not limited to, a person's name, address,
18 telephone number, driver's license number, age, height, weight,
19 eye color, and hair color.
20 (2) "Retailer" means a business that sells retail products to
21 consumers, including, but not limited to, a business that serves
22 food and beverages.

